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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/075,885	05/11/1998	TOSHIYUKI MATSUMOTO	1232-4442	4196
7590	06/07/2004		EXAMINER	
Morgan & Finnegan LLP 345 Park Avenue New York, NY 10154			TILLERY, RASHAWN N.	
			ART UNIT	PAPER NUMBER
			2612	
			DATE MAILED: 06/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/075,885	MATSUMOTO ET AL.
	Examiner Rashawn N Tillery	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 March 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-23 and 25-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2-5,23,25,31,32,37 and 38 is/are allowed.
- 6) Claim(s) 6-8,11-13,15-17,19-22,26-28,30 and 33-36 is/are rejected.
- 7) Claim(s) 9,10,14,18 and 29 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see Amendment A, filed March 17, 2004, with respect to the rejection(s) of claim(s) 11 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nakajima et al (US5737646).
2. The indicated allowability of claims 6-10, 15-22 and 26-29 is withdrawn in view of the newly discovered reference(s) to Nakajima. Rejections based on the newly cited reference(s) follow. As a result the following action is non-final.

***Claim Objections***

Claim 19 is objected to because of the following informalities: Claim 19 depends from canceled claim 1. For purposes of examination the Examiner interpreted the limitations of the claim as a dependent of claim 6. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 6-8, 11-13, 15-17, 19-22, 26-28, 30, 33, 34 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al (US5442453) in view Nakajima et al (US5737646).

Regarding claims 6 and 33, Takagi discloses, in figures 7 and 8, an image sensing apparatus having an image sensing device (64) for sensing the image of a subject, a lens unit (28) for deciding magnification of a sensed image (32- telephoto and wide angle switch), and a lens unit (28) for deciding focal point position of the subject whose image is sensed by the image sensing device (Takagi teaches an automatic focusing circuit; see col. 8, line 65), the apparatus comprising:

display means (17) capable of displaying the image sensed by the image sensing device;

moving means for moving display direction of the display means to a direction of the side of the subject (Takagi teaches a rotary mechanism which allows camera portion 13 to be rotated in the direction of the display side; see col. 9, lines 29-65); sensing means for sensing that the display direction of an image on the display means

is being moved to the side of the subject by the moving means (Takagi teaches an inversion detecting switch which is activated when the camera portion is rotated).

Takagi is capable of manually moving the lens unit to a wide angle side or a telephoto side and automatically adjusting focus. Takagi does not expressly disclose moving the lens to the wide angle side if the inversion detection switch is activated. Nor does Takagi expressly disclose controlling distance to the subject to a short distance if the inversion detection switch is activated.

Nakajima discloses an autofocus camera operable in various photographing modes- portrait mode, closeup mode, etc. Nakajima is capable of setting distance data in accordance with a chosen mode- the distance data for closeup mode being shorter than the distance data of all other modes. See figure 5. For example, upon selection of a portrait mode, a distance from the camera to the subject is set (at 3m) and a zooming operation is executed automatically to obtain optimum magnification (see col. 4, lines 4-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takagi's teachings by including a features taught by Nakajima that would allow the user, upon rotation of the camera unit to the display side, to automatically control the sensed-image magnification of the zoom lens to a wide-angle magnification and control the distance of the subject by the focusing lens to a short distance in front of the image sensing apparatus. It would have been highly desirable for Takagi to implement Nakajima's teachings in an effort to take well-focused pictures suited for each operator's intentions.

Regarding claim 7, see claim 6, above where it is discussed that Nakajima is capable of controlling the sensed-image magnification of the zoom lens to a wide-angle limit and controlling distance to the subject, which is controlled by the focusing lens, to a short-distance limit in front of the image sensing apparatus.

Regarding claim 8, see claim 6 above where it is discussed that Nakajima is capable of setting the sensed-image magnification controlled by the control means in accordance with a distance of the subject to the camera; and capable of setting a subject distance at which the focusing lens is brought to focus.

Regarding claims 11 and 34, Takagi discloses, in figures 7 and 8, an image sensing apparatus having an image sensing device (64) for sensing the image of a subject and a lens unit (28) for deciding magnification of a sensed image (32- telephoto and wide angle switch), the apparatus comprising:

display means (17) capable of displaying the image sensed by the image sensing device;

moving means for moving display direction of the display means to a direction of the side of the subject (Takagi teaches a rotary mechanism which allows camera portion 13 to be rotated in the direction of the display side; see col. 9, lines 29-65); sensing means for sensing that the display direction of an image on the display means is being moved to the side of the subject by the moving means (Takagi teaches an inversion detecting switch which is activated when the camera portion is rotated).

Takagi is capable of manually moving the lens unit to a wide angle side or a telephoto side. Takagi does not expressly disclose moving the lens to the wide angle side if the inversion detection switch is activated.

Nakajima discloses an autofocus camera operable in various photographing modes- portrait mode, closeup mode, etc. Nakajima is capable of setting distance data in accordance with a chosen mode- the distance data for closeup mode being shorter than the distance data of all other modes. See figure 5. For example, upon selection of a portrait mode, a distance from the camera to the subject is set (at 3m) and a zooming operation is executed automatically to obtain optimum magnification (see col. 4, lines 4-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takagi's teachings by including a features taught by Nakajima that would allow the user, upon rotation of the camera unit to the display side, to automatically control the sensed-image magnification of the zoom lens to a wide-angle magnification. It would have been highly desirable for Takagi to implement Nakajima's teachings in an effort to obtain pictures suited for each operator's intentions.

Regarding claim 12, see claim 11, above where it is discussed that Nakajima is capable of controlling the sensed-image magnification of the zoom lens to a wide-angle limit.

Regarding claim 13, see claim 11 above where it is discussed that Nakajima is capable of setting the sensed-image magnification controlled by the control means in accordance with a distance of the subject to the camera.

Regarding claims 15 and 35, Takagi discloses, in figures 7 and 8, an image sensing apparatus having an image sensing device (64) for sensing the image of a subject and a lens unit (28) for deciding focal point position of the subject whose image is sensed by the image sensing device (Takagi teaches an automatic focusing circuit; see col. 8, line 65), the apparatus comprising:

display means (17) capable of displaying the image sensed by the image sensing device;

moving means for moving display direction of the display means to a direction of the side of the subject (Takagi teaches a rotary mechanism which allows camera portion 13 to be rotated in the direction of the display side; see col. 9, lines 29-65);

sensing means for sensing that the display direction of an image on the display means is being moved to the side of the subject by the moving means (Takagi teaches an inversion detecting switch which is activated when the camera portion is rotated).

Takagi is capable of manually moving the lens unit to a wide-angle side or a telephoto side and automatically adjusting focus. Takagi does not expressly disclose controlling distance to the subject to a short distance if the inversion detection switch is activated.

Nakajima discloses an autofocus camera operable in various photographing modes- portrait mode, closeup mode, etc. Nakajima is capable of setting distance data in accordance with a chosen mode- the distance data for closeup mode being shorter than the distance data of all other modes. See figure 5. For example, upon selection of a portrait mode, a distance from the camera to the subject is set (at 3m) and a zooming

operation is executed automatically to obtain optimum magnification (see col. 4, lines 4-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takagi's teachings by including a features taught by Nakajima that would allow the user, upon rotation of the camera unit to the display side, to automatically control the distance of the subject by the focusing lens to a short distance in front of the image sensing apparatus. It would have been highly desirable for Takagi to implement Nakajima's teachings in an effort to take well-focused pictures suited for each operator's intentions.

Regarding claim 16, see claim 15, above where it is discussed that Nakajima is capable of controlling the distance to the subject, which is controlled by the focusing lens, to a short-distance limit in front of the image sensing apparatus.

Regarding claim 17, see claim 15 above where it is discussed that Nakajima is capable of setting a subject distance at which the focusing lens is brought to focus.

Regarding claims 19 and 36, Nakajima discloses, in figure 5, automatic focusing means (20) for executing automatic focusing after the focusing lens has been controlled by the control means.

Regarding claim 20, Nakajima discloses, in figure 5, automatic focusing means (20) for executing automatic focusing after the focusing lens has been controlled by the control means.

Regarding claim 21, Nakajima discloses, in figure 5, the subject distance setting means is capable of setting a subject distance within a range of 10 cm to 1 m (Nakajima sets closeup mode at 0.5 m).

Regarding claim 22, Nakajima discloses, in figure 5, the subject distance setting means is capable of setting a subject distance within a range of 10 cm to 1 m (Nakajima sets closeup mode at 0.5 m).

Regarding claims 26 and 30, Takagi discloses, in figures 7 and 8, a method of performing photography with an image sensing apparatus by which a photographer can perform self-photography. Takagi's image sensing apparatus has a zoom function (32-telephoto and wide angle switch). Takagi does not expressly disclose that parameters different from those at the time of ordinary photography are set when it is sensed that the photographer is performing self-photography. Nakajima discloses an autofocus camera operable in various photographing modes- portrait mode, closeup mode, etc. Nakajima is capable of setting distance data in accordance with a chosen mode- the distance data for closeup mode being shorter than the distance data of all other modes. See figure 5. Nakajima teaches setting the distance differently for the modes based on a light measuring means and a distance measuring means. It would have been highly desirable for Takagi to implement Nakajima's teachings in an effort to take well-focused pictures suited for each operator's intentions.

Regarding claim 27, the examiner notes that Nakajima inherently teaches that the photometry area is narrowed to a central portion more at the time of self-photography than at the time of ordinary photography if the image sensing apparatus has a automatic exposure function or a automatic focusing function since the object is closer in a close-up mode.

Regarding claim 28, see claim 7 above.

***Allowable Subject Matter***

1. Claims 2-5, 23, 25, 31-32 and 37-38 are allowed.

Regarding claims 2 and 31, the prior art does not teach or fairly suggest an image sensing apparatus having a lens, a monitor in which direction of a display can be changed, and a photography assist mechanism having an automatic exposure control means, wherein

at the time of self-photography, the automatic exposure control means performs control by a photometry method different from that at the time of other ordinary photography.

Regarding claims 4 and 32, the prior art does not teach or fairly suggest an image sensing apparatus having a lens, a monitor in which direction of a display can be changed, and a photography assist mechanism having an automatic focus control means, wherein

at the time of self-photography, the automatic focus control means performs control through a different sequence from that at the time of other ordinary photography.

Regarding claims 23 and 37, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device and a zoom lens comprising display means, moving means, sensing means, memory means and control means, wherein

the control means controls the zoom lens to the sensed-image magnification that has been stored by the memory means and the focusing lens to the subject distance

that has been stored by memory means when the sensing means no longer senses that the display direction of the image on the display means is being moved to the side of the subject.

Regarding claims 25 and 38, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device and a focusing lens comprising display means, moving means, sensing means, memory means and control means, wherein

the control means controls the focusing lens to the subject distance that has been stored by the memory means when the sensing means no longer senses that the display direction of the image on the display means is being moved to the side of the subject.

2. Claims 9-10, 14, 18 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 9, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device, a zoom lens and a focusing lens comprising display means, moving means, sensing means, control means and recording means, wherein

the recording means records an image based upon an image signal indicative of an image sensed by the image sensing device, and control inhibiting means for inhibiting control by the control means if an image is being recorded by the recording means.

Regarding claim 10, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device, a zoom lens and a focusing lens comprising display means, moving means, sensing means, control means and memory means, wherein

the memory means stores the sensed-image magnification controlled by the zoom lens, as well as the subject distance controlled by the focusing lens, when the sensing means has sensed that the display direction of the image on the display means is being moved to the side of the subject.

Regarding claim 14, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device and a zoom lens comprising display means, moving means, sensing means, control means and memory means, wherein

the memory means stores the sensed-image magnification controlled by the zoom lens when the sensing means has sensed that the display direction of the image on the display means is being moved to the side of the subject, wherein when the sensing means no longer senses that the display direction of the image on the display means is being moved to the side of the subject, the control means controls the zoom lens to the sensed-image magnification that has been stored by the memory means.

Regarding claim 18, the prior art does not teach or fairly suggest an image sensing apparatus having an image sensing device and a focusing lens comprising display means, moving means, sensing means, control means and memory means, wherein

the memory means stores the subject distance controlled by the focusing lens when the sensing means has sensed that the display direction of the image on the display means is being moved to the side of the subject, wherein when the sensing means no longer senses that the display direction of the image on the display means is being moved to the side of the subject, the control means controls the focusing lens to the subject distance that has been stored by the memory means.

Regarding claim 29, the prior art does not teach or fairly suggest a method or performing photography with an image sensing apparatus by which a photographer can perform self-photography, wherein

the method includes steps of saving sensed-image magnification and distance to a subject that prevailed at the time of ordinary photography in self-photography is sensed; and restoring the saved sensed-image magnification and distance to the subject when ordinary photography is restored.

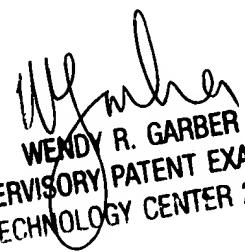
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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